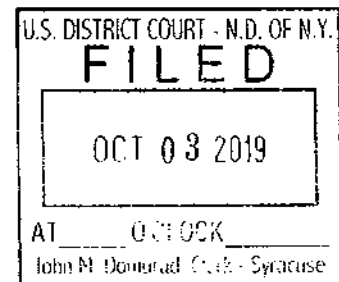


IN THE 7TH JUDICIAL DISTRICT OF NEW YORK, AUBURN

BRENT ALLEN ELISENS

v.

CAYUGA COUNTY MENTAL HEALTH,  
AUBURN COMMUNITY HOSPITAL,  
DR MICHAEL PRATTS(PSYCHIATRIST/CCMH),  
COLLEEN CURR(PRESCRIBER/CCMH),  
FAITH EMERSON(CLINICAL DIR/CCMH),  
DR AHMAD BILAL(ACH)



5:19-cv-1236(MAD/TWD)

COMPLAINT

Brent Allen Elisens brings this lawsuit against the Defendants Cayuga County Mental Health, Auburn Community Hospital, Dr Michael Pratts, Colleen Curr, Faith Emerson and Dr Ahmad Bilal. In support of his allegations, Plaintiff states:

FACTS

1. That the Plaintiff/Patient is a resident of Cayuga County, NY.
2. That the Defendants provide mental health services to the citizens of Cayuga County and has its principal place of business located in Auburn, NY.
3. That Cayuga County Mental Health operates at 146 North Street Auburn, NY and Auburn Community Hospital Operates at 17 Lansing Auburn, NY
4. That all remaining defendants are medical providers providing medical services in New York and at the time of the alleged medical malpractice were all employees/agents/servants of Defendants Cayuga County Mental Health and Auburn Community Hospital and were acting within the scope of that employment/agency/servant relationship when they failed to follow the applicable standard of medical care during their treatment of the Plaintiff on or about August 2019 – September 2019 and resulted in psychological damage, emotional damage, loss of wages and the same to Plaintiff's family. In addition this could have cost many employment opportunities were the diagnosis to remain.
5. The Plaintiff claims monetary damages against Defendants in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.
6. That these medical mistakes occurred between August and September of 2019 in the State of New York.

7. That on or about Friday September 6, 2019 the Plaintiff attempted to file a grievance on Colleen Curr who works at Cayuga County Mental Health for refusing to have a student leave the room at Patient request.
8. The Plaintiff was instructed by Faith Emerson to return the following Monday September 9, 2019. The Plaintiff was calm, rational, and is requesting admission of audio recording '0' into evidence.
9. The Plaintiff returned to Cayuga County Mental Health at 10:30AM September 9, 2019 and met with Defendant Dr. Michael Pratts. Dr Pratts asked the Plaintiff about previous times he had been admitted to inpatient. The Plaintiff responded detailing the 2010 admission to Red Rock/Griffin in Norman, OK for threatening to find the sexual predators on the map and do things to them. The Plaintiff left at 11:00am. Plaintiff requests admission of audio recording '1' into evidence.
10. At 4:30PM the same day, 5 hours later there is a pick up order issued by Cayuga County Mental Health for the Cayuga County Sheriff and a NYS Trooper pick up the Plaintiff for transport and involuntary commitment to the psychiatric unit(BHU) at Auburn Community Hospital with the diagnoses Schizophrenia and Delusional.
11. Dr Ahmad Bilal never came to evaluate the Plaintiff in the Emergency Room at Auburn Community Hospital until the Social Worker called him repeatedly the following day. Plaintiff requests admission of ER video for September 10, 2010 between 8am-1pm into evidence.
12. The Plaintiff brought his phone into the psychiatric unit at Auburn Community Hospital and recorded Dr Bilal several times. Dr Bilal made fun of the Plaintiff and his work, called him delusional, laughed at him, mocked him calling him 'Special Agent' and said he would stay there for weeks. The Plaintiff asks for privacy in session, not in the hallway outside someone else's room. Ahmad Bilal refuses and persists in questioning the Plaintiff. The Plaintiff is requesting admission of audio recording '2' into evidence.
13. The Plaintiff provided multiple forms of proof that not only was he in control of himself but wasn't having delusional, homicidal, or suicidal thoughts. These proofs were dismissed and disregarded by Ahmad Bilal and Colleen Curr.
14. The Plaintiff requested a court hearing and one was never scheduled to the Plaintiffs knowledge as he was released the following Monday September 15, 2019 when a different doctor started the week.
15. The Defendant Ahmad Bilal changed the Plaintiff's medications by giving him Risperidone known for treating Schizophrenia.
16. The Plaintiff received in the mail several insurance claim denials and appeals for even more involuntary days in the psychiatric unit(BHU) of Auburn Community Hospital.
17. That as a direct and proximate result of the breach of the applicable standard of medical care by the Defendants, the Plaintiff has suffered harm. These harms include: 1) suffered conscious pain and suffering both in the past and, it is expected by his physicians, the future, 2) incurred medical expenses in the past and will incur future medical expenses, 3) suffered mental and emotional sorrow and anguish, 4) was required to undergo additional treatment and has sustained other damages.

18. That all of the injuries and damages sustained by the Plaintiff were the direct and proximate result of the negligent actions and breaches of the applicable standards of medical care by all of the Defendants without any act or omission on the part of the Plaintiff directly thereunto contributing.
19. That the Plaintiff did not meet the criteria for involuntary commitment under New York State Mental Health Hygiene Law section 9.27(a) or the criteria in O'CONNOR v. DONALDSON(1975).

#### COUNT I: Negligence – Medical Malpractice

20. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1-19 above.

21. That on or about August 2019 – September 15, 2019, Defendants breached the applicable standard of medical care owed to the Plaintiff, which directly caused injury to the Plaintiff and was the direct and proximate cause of all of the Plaintiff's injuries and damages.

WHEREFORE: The Plaintiff claims a video apology from the Defendants, loss of position/employment, and monetary damages against Defendants Cayuga County Mental Health, Auburn Community Hospital, Dr Michael Pratts, Colleen Curr, Faith Emerson and Dr Ahmad Bilal in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court deems necessary and appropriate.

#### COUNT II: Fraud - Medical Malpractice

22. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1-21 above and also alleges that his commitment was dual purpose at his expense, meaning that the hospital receives money from the Plaintiff's insurance company for his involuntary stay and regarding a grievance, it would be the word of doctors with degrees against the word of a delusional, schizophrenic person. Were it not for Mr Elisens having the wits and wherewithall to record these individuals to protect himself, other people under their care who are defenseless and don't have the mental capacity to even understand what is happening around them would continue to endure loss of freedom, trauma, and medication experimentation.

23. That Defendants deviated from the acceptable standard of medical care during the care and treatment of the Plaintiff on or about August 2019 – September 15, 2019 and thereafter and that this deviation was the direct and proximate cause of a physical injury to the Plaintiff and the direct and proximate cause of all of the Plaintiff's injuries and damages.

WHEREFORE: The Plaintiff claims a video apology from the Defendants, loss of position/employment, and monetary damages against Defendants Cayuga County Mental Health, Auburn Community Hospital, Dr Michael Pratts, Colleen Curr, Faith Emerson and Dr Ahmad Bilal in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court deems necessary and appropriate.

COUNT III: HIPAA VIOLATION OF SOME SORT

24. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1-23 above.

25. That during all of the times alleged herein that the Plaintiff was receiving medical care and treatment from Defendants, these defendants were employed by Cayuga County Mental Health and Auburn Community Hospital and they were acting within the scope of that employment.

26. That Defendants are responsible for the breach of applicable medical care occasioned by their employees, the defendants herein, which resulted in injury to the Plaintiff.

WHEREFORE: The Plaintiff claims a video apology from the Defendants, loss of position/employment, and monetary damages against Defendants Cayuga County Mental Health, Auburn Community Hospital, Dr Michael Pratts, Colleen Curr, Faith Emerson and Dr Ahmad Bilal in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court deems necessary and appropriate.

Respectfully submitted,

**Brent Allen Elisens**

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September 27, 2019